

# **EXHIBIT 4**

CONFIDENTIAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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CHASOM BROWN, et al.,                    )  
on behalf of themselves                )  
and all others similarly                )  
situated,                                    )  
                    Plaintiffs,                )  
vs.    )Case No.  
GOOGLE LLC,                                )4:20-cv-03664-YGR-SVK  
                    Defendant.                )  
\_\_\_\_\_)

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Videotaped Zoom Deposition of  
KONSTANTINOS PSOUNIS, Ph.D.  
Friday, August 19, 2022

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Katy E. Schmidt  
RPR, RMR, CRR, CSR 13096  
Veritext Job No.: 5344586

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF CALIFORNIA</p> <p>3 OAKLAND DIVISION</p> <p>4 CHASOM BROWN, et al., )</p> <p>5 on behalf of themselves )</p> <p>6 and all others similarly )</p> <p>7 situated, )</p> <p>8 Plaintiffs, )</p> <p>9 vs. )Case No.</p> <p>10 GOOGLE LLC, )4:20-cv-03664-YGR-SVK</p> <p>11 Defendant. )</p> <p>12 BE IT REMEMBERED that, pursuant to Notice,</p> <p>13 and on Friday, the 19th day of August, 2022,</p> <p>14 commencing at the hour of 9:04 a.m., thereof, in Los</p> <p>15 Angeles, California, before me, KATY E. SCHMIDT, a</p> <p>16 Certified Shorthand Reporter in and for the County of</p> <p>17 Yolo, State of California, there virtually personally</p> <p>18 appeared</p> <p>19</p> <p>20 KONSTANTINOS PSOUNIS, Ph.D.</p> <p>21 called as a witness herein, who, being by me first</p> <p>22 duly sworn, was thereupon examined and interrogated as</p> <p>23 hereinafter set forth.</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 APPEARANCES CONT.:</p> <p>2</p> <p>3 For the Calhoun Plaintiffs:</p> <p>4 (Appeared via Zoom)</p> <p>5 SIMMONS HANLY CONROY</p> <p>6 BY: AN TRUONG, Esq.</p> <p>7 112 Madison Avenue, 7th Floor</p> <p>8 New York, New York 10016-7416</p> <p>9 212.257.8482</p> <p>10 atruong@simmonsfirm.com</p> <p>11</p> <p>12 For The Defendants:</p> <p>13 (Appeared via Zoom)</p> <p>14 QUINN EMANUEL URQUHART &amp; SULLIVAN LLP</p> <p>15 BY: JOSEF ANSORGE, Esq.</p> <p>16 BY: CARL SPILLY, Esq.</p> <p>17 1300 I Street, Suite 900</p> <p>18 Washington, D.C. 20005</p> <p>19 202.538.8000</p> <p>20 josefansorge@quinnemanuel.com</p> <p>21</p> <p>22 Also present:</p> <p>23 Sean Grant, Videographer</p> <p>24 Jonathan Hochman, Expert Witness</p> <p>25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 For The Brown Plaintiffs:</p> <p>4 (Appeared via Zoom)</p> <p>5 MORGAN &amp; MORGAN</p> <p>6 BY: JOHN YANCHUNIS, Esq.</p> <p>7 BY: RYAN MCGEE, Esq.</p> <p>8 201 North Franklin Street, Suite 700</p> <p>9 Tampa, Florida 33602</p> <p>10 813.223.0931</p> <p>11 jyanchunis@forthepeople.com</p> <p>12 (Appeared via Zoom)</p> <p>13 BOIES SCHILLER FLEXNER LLP</p> <p>14 BY: MARK MAO, Esq.</p> <p>15 BY: ALISON ANDERSON, Esq.</p> <p>16 BY: ERIKA NYBORG-BURCH, Esq.</p> <p>17 BY: LOGAN WRIGHT, Esq.</p> <p>18 44 Montgomery Street, 41st Floor</p> <p>19 San Francisco, California 94104</p> <p>20 415.293.6800</p> <p>21 mmao@bsflp.com</p> <p>22</p> <p>23 SUSMAN GODFREY, LLP</p> <p>24 BY: JOHN PRIDDDY, Esq.</p> <p>25 1301 Avenue Of The Stars, 32nd Floor</p> <p>New York, New York 10019</p> <p>212.729.2044</p> <p style="text-align: right;">Page 3</p>	<p>1 INDEX OF EXAMINATION</p> <p>2 ---o0o---</p> <p>3 Page</p> <p>4 Examination by Mr. Mao 10</p> <p>5 Examination by Mr. Ansonge 229</p> <p>6</p> <p>7 ---o0o---</p> <p>8</p> <p>9 QUESTIONS INSTRUCTED NOT TO ANSWER</p> <p>10</p> <p>11 Page Line</p> <p>12</p> <p>13 (NOTHING OFFERED.)</p> <p>14</p> <p>15 ---o0o---</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 5</p>

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1 collaborators, I always refer to them their first 03:04	1 I'm going to try to remember to the best of my 03:07
2 name. This is just my way of collaborating with 03:04	2 recollection. I think it's a computer science 03:07
3 people. It could be Gao. But I find this immaterial, 03:04	3 Master's degree. But I'm not sure. I mean -- 03:07
4 if I'm allowed to say. 03:04	4 MR. ANSORGE: Objection. Asked and 03:07
5 BY MR. MAO: 03:05	5 answered. 03:07
6 Q. Did you find her qualifications immaterial 03:05	6 And at this point I'd also like to caution 03:07
7 as well and therefore you don't remember right now? 03:05	7 the witness to not reveal privileged communications 03:07
8 MR. ANSORGE: Yeah. Objection. 03:05	8 and to not speculate about the qualifications of 03:07
9 Argumentative. 03:05	9 anybody. 03:07
10 THE WITNESS: Not at all. I do consider 03:05	10 MR. MAO: Mr. Ansorge, you are on extremely 03:07
11 extremely important that my collaborators have 03:05	11 thin ice. You know I like you -- 03:07
12 appropriate qualifications and this has been -- the 03:05	12 MR. ANSORGE: You asked the same question 03:07
13 assurance to this effect has been given to me by 03:05	13 four times over, Mr. Mao. You're badgering the 03:07
14 Mr. Ansorge. 03:05	14 witness with the same question four times over. And 03:07
15 BY MR. MAO: 03:05	15 he's nice, he's polite, and he's providing different 03:07
16 Q. So what are her qualifications, sir, sitting 03:05	16 responses each time, and he's searching for answers to 03:08
17 here today, defending your opinion? 03:05	17 your question. But if you were to actually look at 03:08
18 MR. ANSORGE: Objection. Asked and 03:05	18 the transcript, you've asked him repeatedly the exact 03:08
19 answered. 03:05	19 same question. 03:08
20 THE WITNESS: I already answered. But, 03:05	20 BY MR. MAO: 03:08
21 again, I got an assurance that she has the right 03:05	21 Q. How did you supervise Tracy's tests in this 03:08
22 qualifications. I don't have a list off the top of my 03:05	22 case? 03:08
23 head now to tell you X 1, 2, 3, 4, 5, 6. 03:05	23 A. I have already answered this. Not the last 03:08
24 I did find her quite able to execute this 03:05	24 five minutes, but about a couple of hours ago when we 03:08
25 stuff. I was asking her. I can say that. 03:05	25 discussed about the way -- by ways I have run the test 03:08
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1 BY MR. MAO: 03:06	1 I have -- I am reporting in my report. I can repeat 03:08
2 Q. Did you check whether or not she had 03:06	2 this or I can -- I don't mind. I can repeat this, or 03:08
3 technical qualifications to run the tests that you 03:06	3 you can look back at the transcript. 03:08
4 needed? 03:06	4 Q. Did you produce all of the tests? 03:08
5 A. I inquired about it and I've been assured 03:06	5 A. I'm not sure what you mean by that. 03:08
6 that she has. I didn't ask her to show me her 03:06	6 Q. What did you and Tracy test? 03:08
7 diplomas to verify myself that they are genuine, sir, 03:06	7 A. I am referring to the tests that I include 03:08
8 so... 03:06	8 in my report. You can see in my report there are some 03:09
9 Q. And what are her technical qualifications, 03:06	9 tests and some numbers. 03:09
10 as you sit here today? 03:06	10 Q. Which parts of the -- which parts of your 03:09
11 MR. ANSORGE: Objection. Asked and 03:06	11 report and tests were done by Tracy? 03:09
12 answered. Argumentative. 03:06	12 MR. ANSORGE: Objection. Mischaracterizes 03:09
13 BY MR. MAO: 03:06	13 testimony. 03:09
14 Q. What are they specifically? 03:06	14 THE WITNESS: There are no parts or tests of 03:09
15 A. I got assurance from Mr. Ansorge that she 03:06	15 my report that they were done by Tracy. There are 03:09
16 has technical qualifications. 03:06	16 some tests, data tests, data experiments, for which I 03:09
17 I don't want to say something that it's 03:06	17 have oversaw and dictated and described in detail to 03:09
18 inaccurate. I just don't like inaccurate answers. I 03:06	18 be executed. And Tracy, Ms. Gao -- I don't know if I 03:09
19 mean... 03:07	19 have the right last name. It's more polite, I would 03:09
20 Q. Does she have more than a humanities degree? 03:07	20 say, to use Ms. Gao in this official context, if this 03:10
21 A. For sure, yes. 03:07	21 is the right last name -- was the person from counsel 03:10
22 Q. Okay. Does she have a technical degree? 03:07	22 that executed my instructions. 03:10
23 A. As far as I recall, yes. 03:07	23 Now, that I corrected the characterization 03:10
24 Q. What kind of technical degree? 03:07	24 of whether somebody else has executed anything or 03:10
25 A. I'm going to speculate -- not speculate. 03:07	25 produced anything in my report, which is not the case, 03:10
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1 I will tell you which parts of my report have numbers 03:10	1 Mr. Mao. It's like a lot more precise instructions 03:13
2 based on data. 03:10	2 than the ones I give on my students, to tell you the 03:13
3 So there are two types -- 03:10	3 truth. 03:13
4 BY MR. MAO:	4 It's like instructions I give to undergrads 03:13
5 Q. No. No, no, sir. You need to be able to 03:10	5 when they are working for me in the context of a 03:13
6 tell me, okay, which parts of your report, okay, were 03:10	6 grant. Like do this, one, two, three, four, five. 03:13
7 done or assisted by Tracy. Let's start there so that 03:10	7 Extremely precise. You cannot mess it up. It's an 03:13
8 we don't get into an argument. 03:10	8 execution task at that point. 03:13
9 MR. MAO: And, Joey, if you so much as try 03:10	9 And then the reason why I did it is because 03:14
10 to tamper with this, we're going to the Court. 03:11	10 I did not want to use USC equipment to actually run 03:14
11 MR. ANSORGE: Objection. Same objection. 03:11	11 the CPU cycles required to do it. So I gave very 03:14
12 Argumentative. 03:11	12 precise instructions that an undergrad could do 03:14
13 MR. MAO: Go ahead. 03:11	13 easily. 03:14
14 BY MR. MAO: 03:11	14 And then Ms. Tracy Gao was the person 03:14
15 Q. Go ahead, Professor. 03:11	15 that -- hopefully I'm not misspelling her name, last 03:14
16 A. Yes. So let's just do this and move on. 03:11	16 name -- that did them and then sent the data back to 03:14
17 Okay. So let's go down. I'm scrolling. 03:11	17 me, and then there was back and forth, to make sure 03:14
18 In an effort to give you a list, can I use a 03:12	18 everything is properly done. 03:14
19 Post-it™ to put notes or should I remember in the 03:12	19 So the first such case in my report, if you 03:14
20 process which parts are -- 03:12	20 go to appendix G, profile data, this is the first 03:14
21 Q. Well, technically you were supposed to 03:12	21 case. And let me -- what I'm doing is I'm doing a 03:14
22 disclose that as part of the report, but since you 03:12	22 search to also point out to where you will see me 03:14
23 didn't do that, you know, like I don't know what you 03:12	23 mentioning this in the actual report. 03:14
24 need right now in order to demarcate this. But I 03:12	24 Because Mr. Hochman himself cited this 03:14
25 would like some type of demarcation as to which parts 03:12	25 DBLS data, I got the data and I ran the test we are 03:15
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1 were assisted by Ms. Gao. 03:12	1 discussing right now. And you can find more in 03:15
2 MR. ANSORGE: Objection. Argumentative. 03:12	2 paragraph 80 of my report that refers to this data and 03:15
3 And you appear to entirely have forgotten 03:12	3 the tests. 03:15
4 that there's a stipulation between the parties that 03:12	4 BY MR. MAO: 03:15
5 extend to drafts and preparation. And although that 03:12	5 Q. Any other parts that were either done by 03:15
6 was a very important issue -- 03:12	6 Ms. Gao or assisted by Ms. Gao? 03:15
7 MR. MAO: Not tests. I mean, if your -- if 03:12	7 A. As I said, no parts of my reports was done 03:15
8 your colleague is running tests, technical tests for a 03:12	8 by Ms. Gao. 03:15
9 professor, I am absolutely entitled to that. It 03:12	9 Q. What part contains tests run by Ms. Gao? 03:15
10 should have been disclosed in the reporting, and you 03:12	10 A. I'm sorry. What -- 03:15
11 know that, Joey. 03:12	11 MR. ANSORGE: Objection. Argumentative. 03:15
12 MR. ANSORGE: This is the equivalent -- 03:12	12 Asked and answered. 03:15
13 BY MR. MAO: 03:12	13 BY MR. MAO: 03:15
14 Q. What part of the test or analysis was done 03:12	14 Q. What parts of your report contain tests run 03:15
15 by the lawyer? 03:12	15 by Ms. Gao? 03:15
16 MR. ANSORGE: Mr. Mao, asked and answered 03:13	16 A. Run. Okay. 03:15
17 many times over. 03:13	17 What parts of my report contain test results 03:15
18 THE WITNESS: So, one, I don't understand 03:13	18 for which Ms. Gao executed the actual program in 03:16
19 all the legal stuff you guys are discussing. I'm 03:13	19 servers other than mine is the way I would put it for 03:16
20 going to again say the following: 03:13	20 one more time. 03:16
21 The experiments test, I'm going to talk 03:13	21 And -- so, Mr. Mao, let's just agree on what 03:16
22 about over the next few minutes, as I will be scanning 03:13	22 I'm saying that has happened. I'm under oath. I'm 03:16
23 my report, have been done -- have been run essentially 03:13	23 telling you exactly what has happened. So let's just 03:16
24 by me in the sense that I supervised them and I 03:13	24 characterize it the way it is and I'm giving you -- I 03:16
25 fully -- I gave very, very precise instructions, 03:13	25 promise I'm giving you, as always, very accurate 03:16
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1 information. 03:16	1 experiments? 03:21
2 So paragraph 80, I am referring to this, and 03:16	2 A. I didn't see the need for it. I don't 03:22
3 there is a table, you can see this table with some 03:16	3 interact with Google at all. I haven't interacted 03:22
4 Biscotti cookies and UIDs and a creation timestamp. 03:16	4 with anybody from Google at all throughout this 03:22
5 Then paragraph 82 is referring to these two 03:16	5 period. I haven't talked to a single person from 03:22
6 documents that we had a discussion about this earlier 03:16	6 Google. 03:22
7 on in my deposition, and you can find them in the 03:16	7 Q. How much would you estimate the equipment 03:22
8 appendix G, as I said, profile data. Paragraph 82 is 03:16	8 would have cost you in order to be able to run these 03:22
9 referring to the results of this test. 03:16	9 experiments? The ones that you list in your report, 03:22
10 Then there is one more place that I would 03:17	10 how much would it cost you? 03:22
11 like to bring to your attention to that matter and 03:17	11 A. I don't -- 03:22
12 this is -- 03:17	12 MR. ANSORGE: Mr. Mao, I've been quiet for 03:22
13 So would you like me to give you paragraphs 03:17	13 quite a while, so let me refer you back to the 03:22
14 so that it's very precise, paragraph numbers? 03:17	14 stipulation which you said does not apply. The first 03:22
15 Q. Yes, sir. Because precise is how you began 03:17	15 part of it states explicitly that communications -- 03:22
16 the deposition? 03:17	16 MR. MAO: No speaking objections. Don't 03:22
17 A. Perfect. 03:17	17 make a speaking objection. 03:22
18 If you go to paragraph 122, I am discussing 03:18	18 MR. ANSORGE: No. I'm telling -- I'm 03:22
19 the fact that user agents are served by many, many, 03:18	19 speaking to you directly on this. We have a 03:22
20 many devices. I have some citations to the fact of 03:18	20 stipulation saying the content of oral, written, or 03:22
21 the top 10 most popular user agents. User agents, by 03:18	21 other communications -- 03:22
22 the way, are served by tens of millions of people in 03:18	22 MR. MAO: Mr. Ansorge -- 03:22
23 the U.S. 03:19	23 MR. ANSORGE: -- among and between -- 03:22
24 And then in paragraph 122, I am using the 03:19	24 Mr. Mao -- 03:22
25 data submitted by the plaintiffs, and I'm doing 03:19	25 MR. MAO: The name is not disclosed as part 03:22
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1 basically a matching exercise and I'm reporting some 03:19	1 of -- 03:22
2 numbers about user agents and they are common among 03:19	2 MR. ANSORGE: -- counsel and the expert or 03:22
3 multiple plaintiffs in this paragraph. 03:19	3 the expert staff and their supporting firms. 03:22
4 Q. Any other paragraphs or sections? 03:19	4 And you are explicitly asking about data 03:23
5 A. I am very meticulously going through this. 03:19	5 pulls that Dr. Psounis asked his counsel about. And 03:23
6 Okay. If you go to paragraph 120. 03:20	6 you're having that listed out in a form in which all 03:23
7 Q. Okay. 03:20	7 you're doing is creating heat at this point. 03:23
8 A. I am analyzing data produced in -- Google 03:20	8 We have a specific stipulation that goes to 03:23
9 produced under the special master process, essentially 03:20	9 this issue, Mr. Mao. 03:23
10 he same data I was referring to before, for 03:20	10 MR. MAO: I asked him -- the last question 03:23
11 IP addresses now; that they have multiple GAIAs 03:20	11 in which you interrupted me and went on this tirade 03:23
12 associated with them. And I actually found 03:21	12 was asking him about how much the equipment would have 03:23
13 IP addresses with this property as well, particularly 03:21	13 cost in order for him to acquire and do it himself. 03:23
14 IP addresses that they correspond to more than one of 03:21	14 Are you withdrawing -- are you going to 03:23
15 the plaintiffs. 03:21	15 stand down or are we going to pause on that question? 03:23
16 So 120 paragraph is showing IP addresses 03:21	16 MR. ANSORGE: What I'm objecting to is your 03:23
17 that correspond to more than one of the plaintiffs, 03:21	17 entire line of questioning about Ms. Gao -- 03:23
18 and 122, as I already said, lists UAs that correspond 03:21	18 MR. MAO: Joey, my deposition -- stop, stop. 03:23
19 to more than one of the plaintiffs. 03:21	19 Okay? 03:23
20 And to be, as always, extremely precise, let 03:21	20 BY MR. MAO: 03:23
21 me also go to the appendices to make sure there's no 03:21	21 Q. Professor, how much would the equipment have 03:23
22 appendix related to this data. I don't remember. 03:21	22 cost in order for you to be able to not use USC's 03:23
23 Just -- 03:21	23 equipment and do -- run the test on your own 03:23
24 Q. I'm curious, Professor, why didn't you ask 03:21	24 equipment? 03:23
25 Google for equipment to run your tests and 03:21	25 MR. ANSORGE: Objection. Calls for 03:23
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1 speculation. 03:23	1 A. No. I can check. 03:26
2 THE WITNESS: I do not know. 03:24	2 Q. Was she the only person that assisted you on 03:26
3 BY MR. MAO: 03:24	3 these tests? 03:26
4 Q. You do not know as a technical expert how 03:24	4 MR. ANSORGE: Objection. Mischaracterizes 03:26
5 much it would have cost you, even an estimate? 03:24	5 prior testimony. Assumes facts not in evidence. 03:26
6 A. I -- 03:24	6 Asked and answered many times over in direct violation 03:26
7 MR. ANSORGE: Same objection. 03:24	7 of the stipulation that the parties have reached with 03:27
8 THE WITNESS: I have not analyzed, looked 03:24	8 regard to discovery of expert work. 03:27
9 into it, counted cycles, so no. 03:24	9 BY MR. MAO: 03:27
10 BY MR. MAO: 03:24	10 Q. Sir, you're not being instructed not to 03:27
11 Q. And it never occurred to you that you can 03:24	11 answer because your counsel knows I'm right. 03:27
12 ask Google for equipment to run experiments -- run 03:24	12 A. Again, I want to stay out of the legal part. 03:27
13 these tests that you refer to in your report? 03:24	13 MR. ANSORGE: Yes. 03:27
14 MR. ANSORGE: Objection. Mischaracterizes 03:24	14 Object to that entirely, to that 03:27
15 Exhibit 1. Mischaracterizes prior testimony. And 03:24	15 characterization. 03:27
16 argumentative. 03:24	16 THE WITNESS: She was the only person that 03:27
17 THE WITNESS: As I said, I have not 03:24	17 executed my detailed instructions about what exactly 03:27
18 interacted with anybody from Google throughout this 03:24	18 to do in order to produce the numbers in the results 03:27
19 time. I don't feel like I am working for Google or 03:24	19 that I have in the report. 03:27
20 anything like that. I've been retained by the 03:24	20 BY MR. MAO: 03:27
21 counsel. The natural thing to do for me was to reach 03:24	21 Q. Was she the only person who was providing 03:27
22 out to counsel about this. And I'm going to stay out 03:24	22 you materials as well for review? 03:27
23 of the legal arguments that you guys have. 03:25	23 MR. ANSORGE: Objection. Direct violation 03:27
24 BY MR. MAO: 03:25	24 of the stipulation the parties have reached, Mr. Mao. 03:27
25 Q. Have you -- you've done prior expert 03:25	25 THE WITNESS: I'm not sure I understand what 03:28
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1 reports, technical expert reports in other cases. 03:25	1 you mean by providing me direct materials. 03:28
2 Isn't that correct, Professor? 03:25	2 Is it about the test? It's about what? 03:28
3 A. Correct. 03:25	3 BY MR. MAO: 03:28
4 Q. And people that assist you in the 03:25	4 Q. Going back to Exhibit No. 9. 03:28
5 formulation of your report in those other cases, did 03:25	5 After you having read all those paragraphs 03:28
6 you list them in your report? 03:25	6 you did to find which Tracy we're talking about, do 03:28
7 A. I don't remember, but I believe -- I'm 03:25	7 you recall what joining beacons are for 03:28
8 trying to remember my recent report. I don't remember 03:25	8 Google Analytics? 03:28
9 if I listed them or not. It's been some months now. 03:25	9 MR. ANSORGE: Objection. Asked and 03:28
10 Q. Do you know whether under the Rules of 03:25	10 answered. 03:28
11 Evidence and procedure for experts, do you know 03:25	11 THE WITNESS: I'm giving you the same answer 03:28
12 whether or not you need to list people who assisted 03:26	12 I gave before. 03:28
13 you in the creation of your report? 03:26	13 BY MR. MAO: 03:28
14 A. No. 03:26	14 Q. Which is what? 03:28
15 MR. ANSORGE: Mr. Mao, same objection 03:26	15 A. I don't know what is the rules here. What 03:28
16 referring to the stipulation between the parties. I 03:26	16 are the rules here? 03:28
17 don't want us to get into a shouting match, but it's 03:26	17 Q. The rules are if your attorney does not 03:28
18 beyond the pale, nothing we've ever done with any of 03:26	18 instruct you to answer -- not to answer, you're 03:28
19 your witnesses and something where you at this point 03:26	19 required to answer. So please, Professor -- 03:28
20 would have stopped the deposition. We won't do so 03:26	20 MR. ANSORGE: Yeah. 03:29
21 because the facts are on our side. But we plead with 03:26	21 BY MR. MAO: 03:29
22 you to return to substantive questioning and stop 03:26	22 Q. -- what are joining beacons for 03:29
23 harassing the witness in this fashion. 03:26	23 Google Analytics? 03:29
24 BY MR. MAO: 03:26	24 MR. ANSORGE: There's valid objections. 03:29
25 Q. Are you sure her last name was Gao, G-a-o? 03:26	25 Asked and answered. Argumentative. It's harassment 03:29
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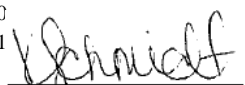


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<p>1 undermine the opinions you offered in your report? 05:18</p> <p>2 A. Not at all. Actually, my opinion related to 05:18</p> <p>3 this sentence in my report explicitly says that Google 05:18</p> <p>4 does not join unauthenticated with authenticated, 05:19</p> <p>5 which is what this says. "But not from an 05:19</p> <p>6 authenticated to unauthenticated log sources in 05:19</p> <p>7 particular or vice versa." 05:19</p> <p>8 Q. Dr. Psounis, do you recall Mr. Mao asked you 05:19</p> <p>9 a series of questions about Exhibit 6? If you could 05:19</p> <p>10 please pull that up. 05:19</p> <p>11 A. I pulled it up. 05:19</p> <p>12 Q. And you see at the top this document is 05:19</p> <p>13 labeled "Incognito Events Labeling"? And then if you 05:19</p> <p>14 look down three lines, do you see where it says 05:19</p> <p>15 "Status: Proposed"? 05:19</p> <p>16 A. Yes, I see that. 05:19</p> <p>17 Q. Now, if you go further down, you see there's 05:19</p> <p>18 four different approvers that are listed, four 05:19</p> <p>19 different user names. 05:19</p> <p>20 Do you see those? 05:19</p> <p>21 A. Yes, I do. 05:19</p> <p>22 Q. And you see that for three of them it states 05:20</p> <p>23 "Approved" and for one it states "Pending"? You see 05:20</p> <p>24 that? 05:20</p> <p>25 A. Yes. 05:20</p> <p style="text-align: right;">Page 234</p>	<p>1 Do you see that? 05:21</p> <p>2 A. I do. 05:21</p> <p>3 Q. Dr. Psounis, what's your opinion about the 05:21</p> <p>4 maybeChromeincognito bit, which is opinion 8 of your 05:21</p> <p>5 expert report, related to the app level or the 05:21</p> <p>6 platform level? 05:21</p> <p>7 A. It is related to what is being referred to 05:21</p> <p>8 here as platform level. It has to do with browsers, 05:21</p> <p>9 Chrome, example. 05:21</p> <p>10 Q. Now, Dr. Psounis, how many opinions are in 05:21</p> <p>11 your expert report? 05:21</p> <p>12 A. I remember that by heart; 13. 05:22</p> <p>13 Q. And today Mr. Mao asked you about 05:22</p> <p>14 opinions 1, 2, and 8. 05:22</p> <p>15 Do you recall that? 05:22</p> <p>16 A. Do you mind if I go through my executive 05:22</p> <p>17 summary? 05:22</p> <p>18 Actually, no. I'm going to go through the 05:22</p> <p>19 table of contents, just to make sure that I'm 05:22</p> <p>20 answering precisely. 05:22</p> <p>21 We touched pieces related to my opinion 1, 05:22</p> <p>22 2, and 8. I didn't end up giving justification for 05:22</p> <p>23 either of these three opinions and do them full 05:23</p> <p>24 justice. But, yes, he did ask me about 1, 2, and 8. 05:23</p> <p>25 There was a lot of back and forth. 05:23</p> <p style="text-align: right;">Page 236</p>
<p>1 Q. Just based on this document before you, 05:20</p> <p>2 would you expect this to indicate that something has 05:20</p> <p>3 been implemented or does it look to you like this is 05:20</p> <p>4 indicating that something is being proposed and has 05:20</p> <p>5 yet to be approved? 05:20</p> <p>6 MR. MAO: Objection. Leading. Calls for 05:20</p> <p>7 speculation. 05:20</p> <p>8 Go ahead. 05:20</p> <p>9 THE WITNESS: This is clearly something that 05:20</p> <p>10 it's at the proposed status, pending approval from 05:20</p> <p>11 approver with user name "alihanlivdumlu." 05:20</p> <p>12 BY MR. ANSORGE: 05:20</p> <p>13 Q. Dr. Psounis, could you please turn to the 05:20</p> <p>14 page ending with the Bates designation 797, and let me 05:20</p> <p>15 know once you're there? 05:21</p> <p>16 A. I am there. 05:21</p> <p>17 Q. Second page of the document. 05:21</p> <p>18 You see there's a comment on the side that 05:21</p> <p>19 says "Commented (5)." It states that: 05:21</p> <p>20 "Agree that extension provides more 05:21</p> <p>21 flexibility in the future, especially 05:21</p> <p>22 'incognito mode' is a concept across 05:21</p> <p>23 app-level (example, Search, YouTube, GMM?) 05:21</p> <p>24 and platform-level (example, Chrome and 05:21</p> <p>25 Android.) 05:21</p> <p style="text-align: right;">Page 235</p>	<p>1 Q. And did Dr. -- did Mr. Mao ask you about any 05:23</p> <p>2 other opinions in your expert report today? 05:23</p> <p>3 A. Let me read the rest of that. 05:23</p> <p>4 I don't remember Mr. Mao raising any other 05:23</p> <p>5 opinion number to me. 05:23</p> <p>6 I can for sure say that there was no 05:23</p> <p>7 discussion about entropy, on fingerprinting, 05:23</p> <p>8 identifying class members, either class 1 or class 2. 05:23</p> <p>9 No discussion about certain devices or certain 05:23</p> <p>10 accounts. No discussion about the three opinions 05:24</p> <p>11 related to Mr. Schneier. 05:24</p> <p>12 I brought up -- at some point Mr. Mao talked 05:24</p> <p>13 about joining stuff, but he never asked me about my 05:24</p> <p>14 opinion 3. I remember the discussion with the joint 05:24</p> <p>15 beacon that was a controversy. 05:24</p> <p>16 Q. Dr. Psounis, do you recall Mr. Mao asking 05:24</p> <p>17 you a series of questions about PPID? 05:24</p> <p>18 A. Yes. 05:24</p> <p>19 Q. Do you recall he asked you about a scenario 05:24</p> <p>20 in particular where a user pulls a PPID from their 05:24</p> <p>21 browser and provides that to Google? Do you recall 05:24</p> <p>22 that? 05:24</p> <p>23 A. Can you repeat again the question? I'm 05:25</p> <p>24 getting a little bit jet-lagged. 05:25</p> <p>25 Q. Sure. It's been a long day and thank you 05:25</p> <p style="text-align: right;">Page 237</p>



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<p>1 MR. ANSORGE: No further questions at this 05:36  2 time. We reserve the right for further questions 05:37  3 depending on Mr. Mao's redirect. 05:37  4 MR. MAO: I have no questions, although I'm 05:37  5 slightly tempted at just having him read his whole 05:37  6 report into the record. I'm kidding. 05:37  7 MR. ANSORGE: That would have been a better 05:37  8 use of the past seven hours, Mr. Mao. 05:37  9 MR. MAO: I don't know about that. 05:37  10 Dr. Psounis -- Professor, it was an honor. 05:37  11 I'm sorry that, you know, this is adversarial. 05:37  12 Thank you, Mr. Ansorge. 05:37  13 MR. ANSORGE: Thank you, Mr. Mao. 05:37  14 With that, we can go off the record. 05:37  15 THE VIDEOGRAPHER: This concludes today's 05:37  16 deposition of Dr. Konstantinos Psounis. We are off 05:37  17 the record at 5:37 p.m. The number of units -- media 05:37  18 units is seven and will be retained by Veritext. 05:37  19 Thank you. 05:37  20 THE COURT REPORTER: Thanks, Counsel. 05:39  21 Before we go, are we doing the rough today 05:39  22 and then the final by Monday or Wednesday? 05:39  23 MR. MAO: Rough today, yes. Rough today, 05:39  24 please. 05:39  25 THE COURT REPORTER: And then final by 05:39  Page 246</p>	<p>1 REPORTER'S CERTIFICATE  ---o0o---  2 STATE OF CALIFORNIA )  ) ss.  3 COUNTY OF YOLO )  4  5 I, KATY E. SCHMIDT, a Certified Shorthand  6 Reporter in and for the State of California, duly  7 commissioned and a disinterested person, certify:  8 That the foregoing deposition was taken before  9 me at the time and place herein set forth;  10 That KONSTANTINOS PSOUNIS, Ph.D., the deponent  11 herein, was put on oath by me;  12 That the testimony of the witness and all  13 objections made at the time of the examination were  14 recorded stenographically by me to the best of my  15 ability and thereafter transcribed into typewriting;  16 That the foregoing deposition is a record of  17 the testimony of the examination.  18 IN WITNESS WHEREOF, I subscribe my name on this  19 22nd day of August, 2022.  20  21   22 KATY E. SCHMIDT, KFK, KMR, CRR, CSR 13096  Certified Shorthand Reporter  23 in and for the  County of Sacramento,  24 State of California  25 Ref. No. 5344586 KES  Page 248</p>
<p>1 Monday or Wednesday? 05:39  2 MR. MCGEE: Monday would be great. 05:39  3 MR. MAO: Monday, if you can. 05:39  4 THE COURT REPORTER: Final by Monday. Okay. 05:39  5 MR. MCGEE: Thanks always, Katy. 05:39  6 (Whereupon, the deposition adjourned at 5:39 p.m.)  7 ---o0o---  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25  Page 247</p>	<p>1 MARK MAO, Esq.  2 mmao@bsflp.com  3 August 22, 2022  4 RE: BROWN vs. GOOGLE LLC  5 AUGUST 19, 2022, KONSTANTINOS PSOUNIS, Ph.D., JOB NO. 5344586  6  7 The above-referenced transcript has been  8 completed by Veritext Legal Solutions and  9 review of the transcript is being handled as follows:  10 __ Per CA State Code (CCP 2025.520 (a)-(e)) -- Contact Veritext  11 to schedule a time to review the original transcript at  12 a Veritext office.  13 __ Per CA State Code (CCP 2025.520 (a)-(e)) -- Locked .PDF  14 Transcript - The witness should review the transcript and  15 make any necessary corrections on the errata pages included  16 below, notating the page and line number of the corrections.  17 The witness should then sign and date the errata and penalty  18 of perjury pages and return the completed pages to all  19 appearing counsel within the period of time determined at  20 the deposition or provided by the Code of Civil Procedure.  21 __ Waiving the CA Code of Civil Procedure per Stipulation of  22 Counsel - Original transcript to be released for signature  23 as determined at the deposition.  24 __ Signature Waived -- Reading &amp; Signature was waived at the  25 time of the deposition.  Page 249</p>